

2. This Court has diversity jurisdiction over this proceeding pursuant to 28 U.S.C. § 1332 because the parties properly joined and served are completely diverse, and because the amount in controversy exceeds \$75,000.00.

3. Twenty-Eight U.S.C. § 1441 grants a defendant the ability to remove any civil action over which the district courts have original jurisdiction, which includes diversity jurisdiction, to federal court.

4. ASIC has not been served with process in this action. Pursuant to 28 U.S.C. § 1446, fewer than thirty (30) days have passed since any defendant has been served with process, thus, this Notice of Removal has been timely filed.

5. Contemporaneous with the filing of this Notice of Removal, a copy of this Notice is being filed with the District Court in and for Canadian County, Oklahoma, and is being served upon all counsel of record.

DIVERSITY OF PARTIES

6. According to the Petition, Plaintiffs are residents and citizens of the State of Oklahoma. (Ex. 1, Petition at ¶1.)

7. Defendant American Security Insurance Company (“ASIC”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in the State of Georgia. Therefore, for the purposes of this litigation, ASIC is a citizen of the States of Delaware and Georgia.

AMOUNT IN CONTROVERSY

8. Plaintiffs state in their Petition that on May 30, 2013 severe storms did substantial damage to their home. Plaintiffs claim breach of contract and breach of the

duty of good faith and fair dealing in connection with ASIC's alleged failure to adequately evaluate and pay appropriate insurance benefits. (Ex. 1, Petition at ¶¶5-9.) Plaintiffs claim to have suffered a loss of policy benefits, emotional injury, anxiety, distress, worry and other incidental and consequential damages. (*Id.* at ¶10.) Plaintiffs also seek punitive damages. (*Id.* at ¶11.)

9. Plaintiffs seek "judgment against Defendant in an amount **exceeding \$75,000.00** actual damages, punitive damages, interest, costs of this action and for such other and further relief as this Court deems just and proper." (Ex. 1, Petition at 3) (emphasis supplied).

10. "[W]hen a single plaintiff has multiple claims against a defendant or against two or more defendants, the Court should consider the aggregate value of the claims for the purposes of the amount in controversy." *Chidester v. Kaz, Inc.*, 2007 WL 1087728, *3 (N.D. Okla. Apr. 9, 2007) (citing *Alberty v. Western Sur. Co.*, 249 F.2d 537, 538 (10th Cir.1957)).

11. Plaintiffs' claim for punitive damages may be considered in determining the amount in controversy. *Flowers v. EZPawn Okla., Inc.*, 307 F. Supp.2d 1191, 1198 (N.D. Okla. 2003)(citing *Bell v. Preferred Life Assur. Soc'y*, 320 U.S. 238, 240 (1943)). Exemplary or punitive damages have been awarded in considerable excess of the jurisdictional amount for claims arising out of the denial of benefits under insurance policies. *See, e.g., Stotts v. Credit Life Ins. Corp. of Am.*, 1991 WL 444070, JVR. No. 65607 (Okla. State Ct. 1991)(awarding \$100,000.00 in punitive damages for discontinuing credit disability insurance).

12. It is clear from the face of the petition that Plaintiff seeks far in excess of the requisite \$75,000.00 amount in controversy. Where it is clear from the face of the petition that the complaint seeks in excess of \$75,000.00, the amount in controversy requirement is satisfied. *Walls v. American Tobacco Co., Inc.*, 1997 WL 1121361, *1 (N.D. Okla. July 10, 1997).

CONCLUSION

13. As demonstrated above, the amount in controversy is clearly satisfied from the face of the petition and there is complete diversity of the parties. Thus, diversity jurisdiction is present.

WHEREFORE, Defendants request that this Court proceed with the handling of this case as if it had been originally filed herein, and that further proceedings in the District Court in and for Canadian County, Oklahoma, be hereby stayed.

Respectfully submitted,

**AMERICAN SECURITY INSURANCE
COMPANY**

s/ J. Derrick Teague

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CERTIFICATE OF SERVICE

This is to certify that on the 10th day of June, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Filing was sent to the following ECF registrants:

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s/ J. Derrick Teague
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